

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEVONNE JOMARRIO GREER,

Petitioner,

Case No. 18-cv-12165

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

DANIEL LESATZ,

Respondent.

**OPINION AND ORDER DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS WITHOUT PREJUDICE**

Petitioner Levonne Jomario Greer, through counsel, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his convictions for first-degree premeditated murder, eight counts of felony-firearm, five counts of assault with intent to commit murder, one count of carrying a concealed weapon, and one count of discharging a firearm from a vehicle, obtained in the Saginaw County Circuit Court. The Court finds that the petition challenges the same convictions challenged in another earlier-filed case pending in this District and, therefore, dismisses the petition without prejudice.

One day before Petitioner filed the present Petition, Petitioner, proceeding *pro se*, filed a different habeas petition in this Court. *See Greer v. Lesatz*, No. 5:18-cv-12143. The first-filed petition challenges the same convictions challenged in the

present matter. To the extent that Petitioner wishes to raise additional or different claims, he should do so by raising them in the earlier-filed case. *See* 28 U.S.C. § 2244.

Accordingly, IT IS ORDERED that the present Petition is DISMISSED WITHOUT PREJUDICE. Reasonable jurists would not debate the Court's decision that the Petition challenges the same convictions challenged in an earlier-filed, pending petition and should be dismissed on that basis. The Court therefore DECLINES to grant a certificate of appealability under 28 U.S.C. § 2253(c)(2). *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS SO ORDERED.

Dated: January 17, 2019

s/Gershwin A. Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 17, 2019, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager